



Wisconsin Department of Transportation

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April 18, 2002



Mr. Vernon A. Williams, Secretary
Office of the Secretary
Surface Transportation Board, Room 1324
1925 K Street, N.W.
Washington, D.C. 20423-0001

RE: **STB Docket No. AB-33 (Sub-No. 126X)** Union Pacific Railroad Company—Abandonment
Exemption—In Jefferson County, WI – Motion for Extension of Time to Reach Agreement on
a Notice of Interim Trail Use

Dear Mr. Williams:

Enclosed for filing are the original and ten (10) copies of the City of Fort Atkinson's Motion for
Extension of Time to Reach Agreement on a Notice of Interim Trail Use.

Please date stamp and return the duplicate copy of this transmittal letter in the prepaid, return
mail envelope for verification of receipt. Thank you.

Sincerely,

Allyn Lepeska
Attorney

AJL/dim

Enclosures

pc: Vicki Schaefer
John Wilmet
Mack H. Shumate, Jr. (via fax 312-777-2065)
Mike Rewey

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BEFORE THE
SURFACE TRANSPORTATION BOARD



AB-33 (SUB-NO. 126X)
UNION PACIFIC RAILROAD COMPANY -- ABANDONMENT EXEMPTION --
IN JEFFERSON COUNTY, WISCONSIN

**THE CITY OF FORT ATKINSON REQUEST FOR AN EXTENSION
OF NOTICE OF INTERIM TRAIL USE**

BACKGROUND

On September 18, 1998, the Union Pacific Railroad Company (UP) filed with the Surface Transportation Board (Board) a petition under 49 C.F.R. § 1152, Subpart F -- Exempt Abandonments and Discontinuance of Service and Trackage Rights, for an exempt abandonment and discontinuance of operations over a line of railroad known as the Clyman Branch, extending from the end of the line at railroad milepost 110.0 to railroad milepost 112.0 near Fort Atkinson, a distance of 2.0 miles in Jefferson County, WI. The line traverses through U.S. Postal Service ZIP code 53538.

On July 28, 1998, the City of Fort Atkinson (City) signed a Statement of Willingness to Accept Financial Responsibility pursuant to 49 C.F.R. § 1152.29. This statement is for the segment of UP railroad line at railroad milepost 110.0 to railroad milepost 112.0 near Fort Atkinson, a distance of 2.0 miles in Jefferson County, WI.

On October 13, 1998, the Wisconsin Department of Transportation (WisDOT) on behalf of the City filed a request for a notice of interim trail use/rail banking (NITU) under 16 U.S.C. 1247(d) and 49 C.F.R. 1152.29. UP indicated its willingness to negotiate with the

City for interim trail use. The Board issued a NITU under 49 C.F.R. 1152.29, which was served on November 5, 1998, allowing the City until May 7, 1999 to negotiate a rail banking agreement with UP.

On April 7, 1999, the WisDOT on behalf of the City filed a request for a NITU under 16 U.S.C. 1247(d) and 49 C.F.R. 1152.29. UP was agreeable to the NITU extension. The Board issued a NITU under 49 C.F.R. 1152.29, which was served on April 30, 1999, allowing the City until November 3, 1999 to negotiate a rail banking agreement with UP.

On October 7, 1999, the WisDOT on behalf of the City filed a request for a NITU under 16 U.S.C. 1247(d) and 49 C.F.R. 1152.29. UP was agreeable to the NITU extension. The Board issued a NITU under 49 C.F.R. 1152.29, which was served on October 21, 1999, allowing the City until May 1, 2000 to negotiate a rail banking agreement with UP.

On June 29, 2000, the WisDOT on behalf of the City filed a request for a NITU under 16 U.S.C. 1247(d) and 49 C.F.R. 1152.29. UP was agreeable to the NITU extension. The Board issued a NITU under 49 C.F.R. 1152.29, which was served on July 3, 2000, allowing the City until October 28, 2000 to negotiate a rail banking agreement with UP.

On October 10, 2000, the WisDOT on behalf of the City filed a request for a NITU under 16 U.S.C. 1247(d) and 49 C.F.R. 1152.29. UP was agreeable to the NITU extension. The Board issued a NITU under 49 C.F.R. 1152.29, which was served on October 12, 2000, allowing the City until April 26, 2000 to negotiate a rail banking agreement with UP.

On April 11, 2001, the WisDOT on behalf of the City filed a request for a NITU under 16 U.S.C. 1247(d) and 49 C.F.R. 1152.29. UP was agreeable to the NITU extension. The Board issued a NITU under 49 C.F.R. 1152.29, which was served on April 24, 2001, allowing the City until October 23, 2001 to negotiate a rail banking agreement with UP.

On October 22, 2001, the WisDOT on behalf of the City filed a request for a NITU under 16 U.S.C. 1247(d) and 49 C.F.R. 1152.29. UP was agreeable to the NITU extension.

The Board issued a NITU under 49 C.F.R. 1152.29, which was served on October 30, 2001, allowing the City until April 21, 2001 to negotiate a rail banking agreement with UP.

The City has a new appraisal and negotiations are currently continuing in good faith between the City and UP. However, more time is needed to reach an agreement.

MOTION

Therefore, WisDOT respectfully requests that the Board extend the period prescribed to negotiate an interim trail use/rail banking agreement for an additional 180 days for the land corridor and related real property, including bridge structures, on a line of railroad known as the Clyman Branch, extending from the end of the line at railroad milepost 110.0 to railroad milepost 112.0 near Fort Atkinson, a distance of 2.0 miles in Jefferson County, WI, for interim trail use and rail banking, pursuant to 16 U.S.C. § 1247(d) and 49 C.F.R. § 1152.29 to the City of Fort Atkinson.

Respectfully submitted this 18th day of April, 2002,



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